

APPEAL NO. 030973
FILED JUNE 3, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 17, 2003. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury on _____; (2) the respondent (carrier) is relieved of liability for the claimed injury under Section 409.002 because the claimant failed to timely notify his employer of an injury pursuant to Section 409.001; and (3) the claimant did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer could disbelieve the claimant's evidence and determine that he failed to satisfy his burden of proof on the appealed issues. We cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**CT SYSTEMS
800 BRAZOS
AUSTIN, TEXAS 78704.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge